

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**M3 GIRL DESIGNS, LLC**  
**Plaintiff,**

**vs.**

**BLUE BROWNIES, LLC**  
**and KRISTA DUDTE,**  
**Defendants.**

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**CIVIL ACTION NO. 3-09CV2390-F**

**JOINT CONFERENCE REPORT AND DISCOVERY PLAN**  
**UNDER FRCP 26(f)**

COME NOW Plaintiff M3 Girl Designs, LLC and Defendants Blue Brownies, LLC and Krista Dudte, all parties herein and, pursuant to the Court's order dated October 14, 2010 [Docket No. 43], Federal Rule of Civil Procedure 26(f), and the Local Rules of this Court, file this their Joint Conference Report and Discovery Plan Under FRCP 26(f):

**I.**  
**Conference**

Scott Hemingway, counsel for Plaintiff, and Don Martinson, counsel for Defendants, met via telephone on November 10, 2010 at 9:45 a.m., to confer regarding the matters specified in Rule 26(f) and the Proposed Scheduling Order requested by the Court. The parties request that the Court set trial for June 12, 2012.

**II.**  
**Conference Report**

**A. Nature and Basis of the Claims and Defenses.**

Plaintiff sues Defendants for federal copyright and trademark infringement relative to the parties' design, manufacture and sale of various bottle cap jewelry products. Defendants deny

that Plaintiff's products are entitled to any such protection under law, or that they have engaged in any activities constituting a violation of same.

**B. Possibility of Settlement.**

Counsel discussed the possibility of settlement. No further settlement is anticipated at this time.

**C. Initial Disclosures.**

Counsel agree that the initial disclosures contemplated by FRCP 26(a)(1) shall be exchanged within 30 days after the Court's entry herein of the FRCP 16(b) Scheduling Order.

**D. Preservation of Discoverable Information and Electronic Discovery.**

Counsel and parties do not foresee any problems relating to discoverable information or electronic discovery. If any problems arise in the future, parties will address the same with the court.

**E. Magistrate Judge Jurisdiction**

The parties do not consent to Magistrate Judge Jurisdiction.

**F. Trial**

Counsel and parties anticipate that the trial of this case will take one (1) week. Counsel request that this case be set for trial in June 2012.

**III.  
Discovery Plan**

**A. Initial Disclosures.**

Counsel agree that FRCP 26(b) initial disclosures will be due 30 days after the Court's entry herein of the FRCP Scheduling Order.

**B. Subject for Discovery.**

Counsel anticipate conducting written discovery and taking depositions. Counsel believe that the normal rules for conducting discovery in federal court should govern the discovery phase.

**C. Electronically Stored Information.**

Counsel do not foresee any problems relating to discoverable information or electronic discovery. If any problems arise in the future, parties will address the same with the court.

**D. Privilege and Protective Orders.**

Counsel anticipates requesting certain customer information confidential and proprietary to Plaintiff and Defendants. The parties will agree to enter into a joint protective order so as to protect the same from use outside of this litigation. The parties will submit their proposed protective order to the court in the near future.

**E. Limitations on Discovery.**

Counsel do not anticipate that any limitations on discovery are warranted beyond those imposed by the Federal Rules of Civil Procedure.

**F. Other Orders.**

None at this time.

Respectfully submitted,

By:   
**D. SCOTT HEMINGWAY** *w/ permission*

Texas Bar No. 09407880

Hemingway & Hansen, LLP

1717 Main Street, Suite 2500

Dallas, Texas 75201

Telephone: (214) 292-8301

Telecopier: (214) 739-5209

**ATTORNEYS FOR PLAINTIFF**

**M3GIRL DESIGNS, LLC**

By: \_\_\_\_\_

**DON MARTINSON**

*(Attorney in Charge)*

State Bar No. 13144700

**LESLIE ECHOLS PITTS**

State Bar No. 00784007

Fanning, Harper, Martinson,

Brandt & Kutchin, P.C.,

Two Energy Square,

4849 Greenville Avenue,

Dallas, Texas, 75206

**ATTORNEYS FOR**

**DEFENDANTS BLUE BROWNIES, LLC**

**AND KRISTA DUDTE**